

Just Democracy : a “radical” assessment.

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Context : on February 9th 2012, a scientific seminar was organized around the book by Philippe Van Parijs “Just democracy. The Rawls-Machiavelli program”¹. This event was organized by both Belgian Political Science Associations (ABSP-CF and VPW) and by the ECPR. This paper was presented in this context. The following text is a slightly modified version of the presentation.

« Just democracy » is a collection of essays entirely dedicated to illustrate the idea that there may be conflicts between democracy and justice, properly defined, and to defend the normative position that if such a conflict arises, we should straightforwardly choose justice against democracy. So the “Rawls-Machiavelli program” is addressing situations of potential conflict between democracy and justice along different dimensions (inter-generational justice, immigration, linguistic justice) and discussing to what extent institutional engineering could help promote justice, be it at some cost for democracy.

The idea of a “Rawls-Machiavelli” program is then straightforward. If we want to assess the relationships and the possible contradictions between justice and democracy, we first need a manageable definition of both concepts. Philippe Van Parijs proposes to define democracy as “*a form of collective decision-making that combines three elements : free voting, universal suffrage and majority rule*” (p.1). He defines justice in Rawlsian line as the “*maximizing of material conditions, possibly subject to satisfy certain constraints, such as respect for fundamental liberties*” (p.4)². So, a just society is defined as a society in which the living conditions of the worst-off are the best possible, given that we can sacrifice neither maximal equal (fundamental) liberty nor fair equality of chances. In the conception of Philippe Van Parijs, justice is the overarching goal and democracy is just a means to realize it. This is the “Machiavellian” element : once we know what is the goal is (justice), everything else, and among this, democracy, is just instrumental. We must, in a Machiavellian way, use everything we know about how people behave in order to induce them to build a just society (according to the definition). Of course, when the definition of justice is detailed in all its consequences, it surely precludes many means Machiavelli would have accepted. And in most cases it would actually be impossible to apply justice leaving aside democracy. But there are actual conflicts.

The most convincing example is that of international migrations. According to Philippe Van Parijs, migration is not necessarily a thing to be favoured for its own sake : it is costly to migrate. But in a fundamentally unjust world, where living conditions may be completely different according to the place one was born, migration offers at least the possibility for some people to escape their fate and to try and find a better one. But democracy is unfavourable to migration : the more people in the

¹ Philippe Van Parijs (2011) : *Just Democracy. The Rawls-Machiavelli Program*, Colchester, ECPR-Essays.

² « Maximizing » meaning here maximizing the conditions of the worst-off in the Rawlsian tradition.

“target countries” have their word to say, the more they make it difficult for people from poorer countries to migrate. The reason is that, while migration is an opportunity for capitalists (the possibility of cheap labour), it is seen as a competition (and an unfair one) by workers of the countries where the migrants settle. Universal suffrage has made migration a tricky and difficult political question while migration was not so in bourgeois society without the people’s right to vote. So, we can say that there is here a conflict between democracy (universal suffrage) and justice conceived at a global level (the right for the poorest people everywhere in the world to find better living conditions). In this case, the Machiavellian part of the program (democracy is just instrumental) should lead to the conclusion : if justice requires migration, the central political question is “how to make it more acceptable for people within immigration countries”. For many reasons, the conclusion of Philippe Van Parijs is much more nuanced, but the illustration is straightforward : we have a definition of justice, a definition of democracy, and a hierarchical order between both when they conflict.

But the qualification of « Machiavellian » also comes from an additional proposition which plays an important role in all essays, *id est* that people « *must be taken as they are or can feasibly be made to be* » (p.56). This is a key feature of the Rawls-Machiavelli program because it is what distinguishes the program from « *high-minded preaching* » (p. 38) or « *idealist day-dreaming* » (p.54). This assumption is a matter of overall political methodology rather than of substantive content, but it is a very important matter since what people can reasonably be made to be is a very controversial question. I would say that at this moment we dispose of two contradictory sets of informations about that question: the first one is the failure of all attempts in past century to build a « new mankind »; the other one is the observation that recent capitalist development has profoundly changed the way people think and act, and probably, what they are. We could of course discard this second set of information saying that people are what they have always been, but in a different context that confronts them to a different structure of incentives. I am not quite sure this is sufficient to put an end to the discussion, but I will come back to this later.

If we consider this point (what people can reasonably be made to be) as a valuable starting point of the discussion, we have in total four possibilities to begin with: the other three being the definition of democracy, the definition of justice and the notion of *conflict of interests*. This third point, indeed, is not only present in the definition of the Program, it is in some sense the very subject-matter of the book. All chapters describe some conflicts that may arise between interests or between the definitions of the common good.

This paper will leave the question of justice aside because in that domain I share most assumptions of Philippe Van Parijs and will concentrate on the other three entries : democracy, conflict, and what we could call the question of realistic politics versus utopian politics.

a) *What is democracy ?*

In asserting that we cannot always reconcile democracy with justice – a position that seems to me totally convincing – Philippe Van Parijs chooses to stick to what he calls a « *thin definition of democracy : majority rule, universal suffrage and free voting* » (p.1) . He defends this thin definition by the fact that he hates « *fat concepts in which one sinks and becomes entangled* ». But we may wonder if, even with this proviso, this definition is demanding enough. Throughout the book, the main feature of democracy that is advocated is public debate. For instance, in chapter six, the author

advocates what he calls “border-crossing” rather than “power-sharing”. What does it mean ? “Power-sharing” is the situation that actually prevails in political Belgium today. The global constituency is divided according to linguistic lines so that each representative is elected by a homogeneous electoral body and responsible only towards that body. After the election, the Flemish and Frenchspeaking representatives have of course to reach an agreement between themselves to “share the power”. This may be very difficult, tricky, and lead sometimes to incomprehensible compromises. “Border-crossing” would be a quite different solution : it would consist in redrawing constituencies so that candidates would have to justify their program not only towards their own “community” but towards the other one, which would oblige them to take the interests of both communities into account from the very start. This solution of “border-crossing” appears more favourable to justice because it replaces in part sheer egoistic negotiation by broad public debate. In the words of Philippe Van Parijs, what is at stake is *“to reshape political competition and rhetoric, so that these will consist again in confrontation, not between the interests of mono-ethnic blocs but between alternative versions of the common good”* p.95). This argument is very powerful; it can easily be extended to the European level. If there was a “global” European constituency, and if people from, let’s say, Greece, could choose among candidates from Sweden, it would surely favour a better consideration of the common interests of Greeks and Swedish.³

This is just an example. Everywhere in the book, the author stresses the importance of broad and strong public debate to animate democracy. Then why not include public debate in the *definition* of democracy, if it is so important ?

What could the consequence of such an inclusion be? I think this more demanding definition – I mean including a qualified condition of public debate - is closer to our moral/political intuitions about democracy⁴. In the conflict between democracy and justice, we should expect, it seems, that a more informed democracy would be more prone to take justice arguments into consideration. If it were the case, it would show that the conflict is not always due to democracy but could maybe come from *insufficient democracy*. Such a redefinition – which should be carefully shaped – would not necessarily change the global intuition of the Rawls-Machiavelli program. It would probably relativize the possible opposition between justice and democracy, but it would not suppress it. Clearly, an opinion that is informed by public debate can nevertheless remain stuck to its purely egoistic interests or its egoistic view of the world.

It is sure, moreover, that what count as fair public debate is not an easy question. We have an example today with the campaign of the « nuclear forum » which is a propaganda campaign that is disguised in the form of a debate. So, an important objection to my proposal could be that the notion of « public debate » is very difficult to assess on empirical grounds. But is it not the case too for the condition of « free voting » and « universal suffrage »? We know many countries where voting officially exists but we would not say it is free. We may go a bit further. If we accept a definition of free voting and universal suffrage in terms of real freedom, do they not crucially depend on the way money, or the media, influence the constituency? Should we not say that free voting and universal

³ I will come back to that subject in my third point to show that it may not be so easy.

⁴ As it is strongly advocated in the republican tradition, like that of Benjamin Barber.

suffrage are continuous variables and that, for instance, a limitation of electoral expenses could count as an improvement of both?

On the whole, my global feeling is that I would be much more at ease to recognize – in concrete cases – a genuine conflict between justice and democracy if we were speaking of a democracy informed by public debate.

b) To take people as they are

What does it mean « to take people as they are or can feasibly be made to be »? Recent history have shown that what people can feasibly made to be is probably more undefined than what we often thought, for the bad and for the good. The most basic assumption of this rather fixed notion of human nature is the popular saying according to what leads the world is sex and money. Leaving aside sex, which is surely a deep anthropological question and a difficult one, what can be said about money and all the goods it allows to purchase?

If what I remember from my basic knowledge of economics is correct, there is in the model of homo oeconomicus no unilateral preference for more money but a trade-off between income and leisure. This is probably still the case today, but our society tends to obfuscate this basic proposition of economy, in redefining the preference for leisure – which has historically always been a strong part of the philosophy of labour movement – as laziness. When old religious traditions represent hard work or – even simply work – as a pain, a punishment, the loss of paradise, today's discourse, even within the socialist movement, is almost unanimous to redefine it as the most transcendent value : the more one works in a society, the better it is. This was surely not the original human nature. This idea is strongly linked with an ethos specific to a mode of production as Max Weber already saw it more than one century ago. Of course, there is no easy way to contest this sanctification of work today, since it has become a global phenomenon and we know that the main feature of globalized capitalism is the systemic constraint: within conditions of generalized competition, the problem is not to do a good and sufficient work, but to work better, harder, and more than your fellow competitors. And if our average fellow competitor is increasingly the Chinese industrial worker, we are still far away from our future hell. Of course, the response to my objection is that we should keep our minds stuck to questions to which we can offer concrete answers – maybe partial answers – and that any attempt today to stop the trend towards more work would be foolish daydreaming as long as there is no global agreement to change the rules of globalized economy – an agreement which is today clearly out of reach.

Can the Rawls-Machiavelli program address this question? I leave it to Philippe Van Parijs, who has surely interesting ideas. But my fundamental intuition is that it cannot avoid it. It cannot discard it as « daydreaming ». Why? Because of the ecological limits. We are already too conscious that our mode of consumption is unsustainable at long term if we want to extend it to mankind as a whole. My intuition is that the problem is more profound and that we should wonder if our “*activity-proneness*” is sustainable if we don't find kinds of activities that do not use scarce resources or energy. If we accept that this “*tropism towards activity*”, which has now extended to the majority of societies is deep entrenched in « what people are », it means that we will probably have in the future to deeply change what people are in order to help mankind simply to survive.

I have no solution to offer to this tricky situation. But this example helps me stress that « what people can feasibly be made to be » has proved in recent time very difficult to assess. Of course, this new « work addiction » is only a partial success. People who praise it are, in their vast majority people who derive big income and great recognition from their work and they find it difficult to understand why people who are asked to work harder and longer without being offered the same income and recognition are more reluctant. But this “work addiction”, which is contrary to everything we know about what could be basic “human nature”, leads us to the conclusion that “human nature” can be drastically changed by social institutions.

This example also illustrates a more general argument against a too pessimistic – others would say realistic - view about what people can feasibly be made to be. It is that the pessimistic view can easily turn into self-fulfilling prophecy. If I remember well, it was Schumpeter who explained that, had great historical figures not overestimated what they were able to do, they would have accomplished much less, if anything at all. If it is true, in order to change Man a bit, we must bet we can change him a lot. I admit we must be careful in this kind of proposal: there are strong examples that show how ideologies that try to improve men can make them worse. My purpose is not to defend such a view – surely not when we try to change people by coercion rather than by education. But my proposal is that the Rawls-Machiavelli program could gain effectiveness by adopting something as a “companion program”, which we could call “Thomas More program”. This “Thomas More program” would be dedicated to explore how we could imagine institutions – or political proposals – that seem unrealistic at the light of what people are today but the very proposal of which could induce people to change enough as to make these proposals realistic.

c) What are interests?

As my proposal may seem very abstract and maybe not very well designed yet, I will try to illustrate it by a concrete example.

The Rawls-Machiavelli program is intended to address conflicts of interests and to design institutions that will act as incentives in order to make people adopt – or at least accept – a resolution of conflict along the lines of real freedom for all (the Rawlsian version of justice defended by Philippe Van Parijs).

We know that interests can be framed in many different ways. Because even leaving aside any moral conception that could curb my purely material preferences, I can conceive my interests from many points of view : I am a worker, an academic, a white man of 57 years, I live in Wallonia and especially in Liege, in a house that I do not owe. I speak French, I am a very frequent user of public transport and a consumer of a lot of goods and services, including some which are praised (Internet) and some now deeply despised (tobacco). All of these characteristics – and many others - may define a set of interests and according to circumstances – and to my socialization – these interests may play important or unimportant roles in my political choices.

This multidimensional framing of interests is well grasped in most chapters of the Rawls-Machiavelli program. For instance, when the focus is on intergenerational justice, Philippe Van Parijs emphasizes the interests that specific age groups may have in common, leaving aside, for the sake of the argument, the many competing interests within age groups. On the other hand, chapter six about

power-sharing and border-crossing in ethnically divided societies emphasizes the very important set of interests that are associated with the ethnic or cultural community we belong to.

Why does border-crossing seem increasingly more difficult than power sharing? Our cultural community is the source of many common interests: we share the same language, we share many habits of consumption and, mainly, most often, we share the same territory. That is a lot but it is far from being the whole story: the interests of a Walloon steel worker, for instance surely differ from those of an Asturian steel worker in many respects, but they also have some very important common interests as steel workers against those of steel industry owners. It is not impossible that at certain moments, these common interests as steel workers could possibly transcend ethno-national interests. But apparently it seems less conceivable everyday. I think Philippe Van Parijs grasps the very reason of this situation when he says that globalization has turned states into firms that have to fight to retain their factors of production. What should be emphasized is the huge difference in mobility between these factors. The most mobile one is financial capital and the least mobile is the workforce. So it seems much more accessible to steel workers – and to workers in general – to search for protection in their ethnic community and to fight their companion workers rather than to define their interests as labour force opposed to capital.

It is the more so that globalization favours ethnically homogeneous communities: there are fewer costs of solidarity, or of inter-comprehension, or bureaucratic organization in a homogeneous community than in a diverse one. This is one reason – surely not the only one but an important one – why globalization seems so prone to political fragmentation of territories. This situation seems very characteristic in Europe: the competition between regional or ethnic communities tends to create new smaller homogeneous communities and this situation is clearly not in favour of the development of a global cross-ethnic public debate for the common good, which could lead to a set of European institutions that were more sensitive to justice questions.

It seems this is exactly what Philippe Van Parijs points when he writes in his chapter about democratization of Europe : *“What matters is rather, first, that the representation should be structured along ideological or social lines rather than ethnic or territorial lines, or as to allow for alliances or indeed party formation across the national borders”*⁵. But I am not sure redrawing representation, would be a sufficient measure.

If citizens, at national or European level, choose more and more nationalist parties or parties that primarily defend the regional or ethnic interests of their fellow citizens, it is also because in each country, the political offer does not really foster any other aggregation of interests. All parties are “catch all parties”, closer of course to some social interests than to others and to some conceptions of the common good than to others, but with an *intra-national or inter-regional ideological variance that seems to me smaller everywhere than the international or inter-regional variance*. Leaving aside those parties who define themselves explicitly as nationalist parties, by and large, social-democrats, conservatives, liberals, and even ecologists throughout Europe defend primarily regional/national/ethnic interests and only secondarily a global vision of the common good articulated on other kinds of interests. In my view, it is less a matter of the way representation is drawn than an ideological auto-limitation of all those parties: they believe that in a global

⁵ We are coming back here to the opposition between « power-sharing » and « border-crossing ». See above.

competition where rules cannot change but at the margin, the best they can do is to defend their region, their nation or their community *within those rules*.

Most probably would the electoral engineering proposed by Philippe Van Parijs help the rearticulation of the debate lines. But if we want the ideological or social debates to dominate the ethno-nationalist debate, it seems to me we will need this “Thomas More program” that would explore how to change the world we live in, and sufficiently deeply as to give birth to new parties or radical turns within the existing parties. This program would take less care of accepting “people as they are” and would try to explore how people could be in a redesigned world. Its goal would not be to reshape institutions as the Rawls-Machiavelli program, but to give this Rawls-Machiavelli program enough room to develop fully by encouraging people to imagine another future, in which they could reasonably be different from what they are now. In short, we need more radical progressive programs that could give people good reasons to vote on ideological grounds rather than on purely ethnic-nationalist grounds.

Summary. Questions to Philippe Van Parijs

- 1) As the quality of public debate plays such an important role in the implementation of the RM program, would it not be an interesting move to redefine public debate as a criterion of democracy ? It seems it should sound more congruent with our intuitions about what democracy substantially is. Public debate is no less important than the other three defining elements and, all thing considered, these elements are not necessarily easier to assess from an empirical point of view. If we agreed to reframe the definition of democracy to integrate public debate as a necessary condition, we would probably discover that in certain cases, what appears as conflict between justice and democracy could be redefined as conflict between justice and *lack of* democracy.
- 2) To take people “as they are or can feasibly be made to be” is an important element of RM program but it is a controversial question. I personally think that two centuries of capitalism have profoundly changed mankind at different levels and that we cannot simply say that men today are what they ever were but are simply confronted to a different set of incentives. If it is true, changes should be possible in the other direction too and we should open the RM program, to considerations about what Man “could feasibly made to be” at long term. We could say that the RM program would be usefully completed by a companion program that would be something as a “Thomas More” program, exploring these very possibilities. This would help avoid the condition of (un)feasibility to turn into a sel-fulfilling prophecy : the less we ask to people, the less we will get.
- 3) The replacement of “ethno-territorial negotiation” by a global public debate about the common good (at the level of Belgium or at the level of Europe) is made more difficult by the way globalization fosters fragmentation. But there may be another problem : the reason why voters choose their parties on the basis of ethno-territorial considerations rather than on the basis of ideological ones may also be that, leaving aside nationalist parties, “mainstream ideological families” in Europe are too close to each other. There is probably no sufficient difference between, for instance PS and MR, to lead a Walloon socialist voter to choose a Danish social-democrat candidate rather than a Walloon liberal if he had the choice. This is one more reason to plead for more radicalism in politics : it would help ideological or social

contradictions to transcend ethno-territorial contradictions and to frame a real debate around the definition of the common good. If this argument is true, it is another reason for considering the possibility of a “Thomas More” program in articulation (to be defined !) with the RM program.